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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Richard Di Donato, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; Michael L. Babich;  
Darryl S. Baker; and John N. Kapoor,

Defendants.

No. 16-cv-00302-NVW

**CLASS ACTION**

**JOINT NOTICE OF  
SETTLEMENT BETWEEN LEAD  
PLAINTIFF AND DEFENDANT  
BAKER**

Pursuant to Local Rule of Civil Procedure 40.2(d) and paragraph 9 of the Court's Case Management Order (Doc. 147), Lead Plaintiff and Class Representative Clark Miller ("Lead Plaintiff") and Defendant Darryl S. Baker ("Mr. Baker" and together with Lead Plaintiff, the "Parties") hereby give notice that the Parties have reached a settlement, memorialized in an executed term sheet, to resolve all claims against Mr. Baker on a class-wide basis. Lead Plaintiff's claims against Defendants John N. Kapoor and Michael L. Babich are unaffected by the settlement. The Parties to the settlement are in the process of drafting a motion for preliminary approval and related settlement documentation, and expect to file those documents with the Court within the next fourteen (14) days. Accordingly, as reflected in the accompanying [Proposed] Order, the Parties respectfully request that the Court stay this matter as to Mr. Baker pending its final approval of the settlement, and make clear that the Court's decision on the pending Motion for Summary Judgment (Doc. 317) does not apply to Mr. Baker unless the settlement between Lead Plaintiff and Mr. Baker is not approved by the Court. The Parties are available at the Court's convenience to address any questions.

DATED: May 8, 2020

Respectfully submitted,

**KESSLER TOPAZ  
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*s/ Johnston de F. Whitman, Jr.*

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s/ George J. Coleman with permission

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to those persons who are CM/ECF registrants:

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